

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DIANA KING,)	
)	
Plaintiff,)	
)	
v.)	No.: 13-cv-1150-DRH
WAL-MART STORES, INC.))	
)	
Defendant.)	

MOTION FOR VOLUNTARY DISMISSAL

COMES NOW Plaintiff Diana King, by and through her attorney John H. Leskera, and for her Motion for Voluntary Dismissal, states:

1. The lawsuit filed in Madison County sought damages “in excess of \$50,000.”
2. The parties agreed that the settlement value of the case was \$7,500 but could not agree that a resignation of Plaintiff’s employment should be a term of the settlement.
3. The damages sought by the Plaintiff in this litigation are less than \$75,000.
4. The Court lacks jurisdiction of this litigation under diversity of citizenship.
5. In addition, this lawsuit has been delayed by a pending workers’ compensation case between the parties which remains unresolved. While the Plaintiff was hopeful the compensation case would be resolved by now, it has lingered. The Plaintiff appreciates the Court’s patience and leeway to hold this litigation but it is now apparent that the compensation case will not be resolved for several more months to allow the Plaintiff to attempt to secure a job and determine if she can physically handle the job.

6. Plaintiff seeks leave to voluntarily dismiss this case without prejudice with the intention of re-filing the litigation in Madison County at a later date and certifying that the damages sought are less than \$75,000.

WHEREFORE, plaintiff requests that this Court allow the Plaintiff to Voluntarily Dismiss this case without prejudice under Rule 41(a)(2) with each party to bear its own costs.



John H. Leskera
Leskera Law Firm
120 E. Church Street
Collinsville, IL 62234
(618) 344-3281

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on that on March 18, 2015, the foregoing was sent by email to the following:

cbaucom@ArmstrongTeasdale.com
Christopher D. Baucom
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

ATTORNEY FOR DEFENDANT


